

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the following remarks.

I. Status of the claims

No claims are added, canceled, withdrawn or amended in this reply. Accordingly, claims 12-17 and 24-37 remain pending.

Claims 13-16 and 24-36 were previously withdrawn pursuant to a Restriction Requirement. Applicant continues to traverse the Restriction for the reasons of record.

Claims 12, 17 and 37 are under examination and presented for reconsideration.

II. Claim rejection – 35 U.S.C. § 102(e)

Claims 12, 17 and 37 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 7,279,185 (hereinafter “Babish”). Applicant respectfully traverses.

As reflected in independent claim 12, the claims under examination are directed to methods of lowering blood pressure, comprising administering to a mammal suffering from hypertension isohumulones, or a hop extract and/or an isomerized hop extract. Such methods are not taught or suggest by Babish.

The Office Action asserts that Babish teaches that hypertension can be treated using a formulation that includes an isohumulone, and that “Babish is clear that hypertension is being treated.” Office Action, page 4. These assertions reflect a misunderstanding of Babish.

Babish is directed to COX-2 inhibitors for the treatment of COX-2 associated diseases, such as inflammatory conditions. Specifically, Babish teaches a combination of curcuminoids and an alpha-acid (compounds isolated from hop plant products including isohumulones and humulones) or a beta-acid to treat a variety of disease or conditions involving inflammation. *See e.g.*, Babish at abstract; col. 5, lines 12-15; col. 8, lines 61-65;

col. 9, Table 3, and col. 9, line 37 to col. 10, lines 1-19. Contrary to the assertions in the Office Action, high blood pressure/hypertension is not included in the diseases or conditions taught to be treatable by the Babish compositions.

The only mention in Babish of the treatment of hypertension is found in Examples 3, 4, 5 and 6, where Babish indicates that their clinical trial protocol permitted “[t]reatment for health conditions such as diabetes, hypertension, etc. . . . during the study.” That is, a subject suffering from diabetes or hypertension could continue their usual treatment for those conditions while participating in the trial. There is no indication, however, that any subjects in the Babish trials actually suffered from hypertension, or that the Babish therapies lowered the blood pressure of any subject suffering from hypertension. Indeed, because the examples are written in the present tense, indicating that they are prophetic, there is no reason to believe that Babish even administered a composition comprising an isohumulone to a subject suffering from hypertension.

In summary, Babish’s teachings that a composition including an isohumulone can be used to treat COX-2 associated conditions such as acne, psoriasis, Alzheimer’s Disease or colon cancer (as illustrated in the examples) does not anticipate the present claims. Babish does not teach that its compositions are useful to treat hypertension, and provides no reason to administer its compositions to a subject suffering from hypertension.

Accordingly, the rejection under 35 U.S.C. § 102(e) is improper, and reconsideration and withdrawal of the rejection is respectfully requested.

III. Conclusion

Applicant believes that the application is in condition for allowance, and an early notice to that effect is earnestly solicited.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance prosecution.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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